

From: [Parikh, Pooja](#)
To: [Lane, Peg](#)
Subject: email 3 of 8
Date: Wednesday, May 29, 2013 10:37:55 AM

(b) (5)

A large black rectangular redaction box covers the majority of the page content below the header. The text "(b) (5)" is written in red to the left of the box.

Pooja S. Parikh
Water Law Office
Office of General Counsel
U.S. Environmental Protection Agency
Room 7426A ARN (Mail Code 2355A)
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
Phone: 202-564-0839

From: Pooja Parikh [mailto:Parikh.Pooja@epamail.epa.gov]
Sent: Wednesday, May 29, 2013 2:33 PM
To: Parikh, Pooja
Subject: 3rd batch of 5

Pooja S. Parikh
U.S. Environmental Protection Agency
Office of General Counsel
Water Law Office (2355A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0839
(202) 564-5477 (fax)
parikh.pooja@epa.gov

----- Forwarded by Pooja Parikh/DC/USEPA/US on 05/29/2013 02:33 PM -----

From: Pooja Parikh/DC/USEPA/US
To: David Allnutt/R10/USEPA/US@EPA
Cc: Lee Schroer/DC/USEPA/US@EPA
Date: 08/10/2009 03:32 PM
Subject: Re: Fw: Cook Inletkeeper v. EPA...

Great. Lee, I'll come over to your office at 4 and we can call Dave then.

Pooja S. Parikh
U.S. Environmental Protection Agency
Office of General Counsel
Water Law Office (2355A)

1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0839
(202) 564-5477 (fax)
parikh.pooja@epa.gov

David Allnutt---08/10/2009 03:31:23 PM---Lee and Pooja -- I can meet at 4pm your time. Sounds like we'll need to get on Sussman's calendar.

From: David Allnutt/R10/USEPA/US
To: Lee Schroer/DC/USEPA/US@EPA
Cc: Pooja Parikh/DC/USEPA/US@EPA
Date: 08/10/2009 03:31 PM
Subject: Re: Fw: Cook Inletkeeper v. EPA...

Lee and Pooja -- I can meet at 4pm your time. Sounds like we'll need to get on Sussman's calendar.

~~~~~  
R. David Allnutt, Unit Manager  
Office of Regional Counsel  
U.S. EPA, Region 10  
1200 Sixth Avenue, Suite 900, Mail Stop ORC-158  
Seattle, Washington 98101-3140  
(206) 553-2581  
~~~~~

Lee Schroer---08/10/2009 10:33:26 AM---Highlighting is mine. Lee C. Schroer Office of General Counsel

Lee Schroer/DC/USEPA/US	To	David Allnutt/R10/USEPA/US@EPA
	cc	
08/10/2009 10:37 AM	Subject	Fw: Cook Inletkeeper v. EPA...

Highlighting is mine.

Lee C. Schroer
Office of General Counsel
U.S. Environmental Protection Agency
Room 7518C Ariel Rios North (MC2355A)
1200 Pennsylvania Ave. N.W.
Washington, D.C. 20460

schroer.lee@epa.gov
Phone: (202) 564-5476
Fax: (202) 564-5477

----- Forwarded by Lee Schroer/DC/USEPA/US on 08/10/2009 12:57 PM -----

From: Pooja Parikh/DC/USEPA/US
To: Lee Schroer/DC/USEPA/US@EPA
Date: 08/10/2009 09:10 AM
Subject: Fw: Cook Inletkeeper v. EPA...

Looks like zero discharge needs to be part of any settlement -- at least that's the way I read their email. Will talk further this afternoon.

Pooja S. Parikh
U.S. Environmental Protection Agency
Office of General Counsel
Water Law Office (2355A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0839
(202) 564-5477 (fax)
parikh.pooja@epa.gov

----- Forwarded by Pooja Parikh/DC/USEPA/US on 08/10/2009 09:09 AM -----

From: "Emily Anderson" <eanderson@trustees.org>
To: "Pinkston, Daniel (ENRD)" <Daniel.Pinkston@usdoj.gov>, "Vicki Clark" <vclark@trustees.org>
Cc: Courtney Hamamoto/R10/USEPA/US@EPA, Pooja Parikh/DC/USEPA/US@EPA
Date: 08/07/2009 04:32 PM
Subject: RE: Cook Inletkeeper v. EPA...

Hi Dan-

Thanks for your response to our August 3rd email. It appears that we have some more things to discuss and clarify, but we certainly **appreciate your willingness to put what is offered thus far in writing.** It will help us and our clients fully understand what EPA intends to accomplish with the offers, as well as, the benefits and limitations of them.

As you have gleaned from our previous email, **our clients are still concerned about whether the proposed terms of the settlement would actually improve water quality in Cook Inlet. To be clear, while the options EPA has proposed are interesting, the two options alone are not enough for our clients to agree to settle the case.**

Since the majority of the produced water is generated from Trading Bay it is certainly our clients' greatest concern. To that end, **pulling Trading Bay out of the general permit and creating an individual permit for that facility is a good start, but there also needs to be some assurances in place so the industry does not simply bypass** the potentially stricter requirements at Trading Bay and instead shift the majority of their oil production operations to another facility with less stringent limits (i.e., Granite Point). This would not improve water quality in Cook Inlet.

In addition, we still need to discuss the long term implications that continuing to allow the oil and gas facilities to discharge pollutants directly into Cook Inlet will have on water quality. **If EPA is not considering zero-discharge for these facilities now, how will the water quality in Cook Inlet be maintained or improved in the future when the oil and gas facilities continue to age and produce even greater amounts of toxic pollutants?** An individual permit for Trading Bay is an interim step but zero-discharge is what should be required. It is understood that this would take some time, but **we should discuss whether EPA will at some point agree to reevaluate the ELGs or find other creative ways to bring, at the very least, Trading Bay to zero-discharge at some time in the foreseeable future.** We have already raised some ideas that we could discuss again.

As indicated in the previous email, our clients are also concerned that the other facilities and platforms operating under the general permit still have limits that are too lax, especially with regard to the limits in the current permit that are less stringent than those under the previous permit. I realize that we discussed modification of the general permit early on in the process, but I don't believe we ever discussed a modification to restore only those effluent limits for parameters that were made less stringent. This is something that we need to discuss further because some of those parameters are metals that are known to adversely affect salmon, which supports the livelihood of most of our clients.

As for the proposal regarding the anti-degradation implementation plan, our clients feel that it is something that should be pursued, but not really something that has much direct bearing on their specific concerns in this case. It is also something that EPA should have addressed at some point in the last 13 years. That is another reason why our clients feel that these two options alone do not provide enough incentive to settle the case.

Finally, we understand your concern about the timing of the mediation deadline and know that our difficulty in reaching our clients during the portion of the year that they are working and fishing for subsistence has contributed to the delay in coming to a decision about settlement. If we collectively decide that these important parts of a settlement discussion may come to fruition and we may reach a settlement, we will certainly work with you to reevaluate the timing and extend the briefing schedule.

I hope that this email provides some clarity about our clients' concerns and their current position on what is important for a settlement. Please let us know if you have any additional questions. We look forward to hearing from you soon.

Thanks,

Emily Anderson

Emily Anderson
Staff Attorney
Trustees for Alaska
1026 W. 4th Avenue, Suite 201
Anchorage, AK 99501
(907) 276-4244 x 112

-----Original Message-----

From: Pinkston, Daniel (ENRD) [<mailto:Daniel.Pinkston@usdoj.gov>]
Sent: Tuesday, August 04, 2009 2:32 PM
To: Vicki Clark; Emily Anderson
Cc: Hamamoto.Courtney@epamail.epa.gov; Parikh.Pooja@epamail.epa.gov
Subject: Cook Inletkeeper v. EPA...

Emily and Vicki:

Thanks for your email of Monday, August 3. We have some thoughts on the issues you raised there -

1. We are sorry if the contract timing issue appeared to present a "false deadline," as you put it. Our point was that the money we had obtained for this purpose had to be obligated before the end of the fiscal year (ie. Sept. 30th). Since it is clear that we will not be able to reach an agreement by August 7, we are investigating whether it will be possible for us to obtain funds for the next fiscal year.

2. We will put an offer in writing. We do need to state what you undoubtedly already understand - neither the attorneys nor technical people have the authority to settle on behalf of the United States; any settlement is contingent on approval of appropriate EPA and Justice Department officials and on coming up with acceptable settlement papers.

3. As to reinstating previous permit limits that were more stringent than those in the current permit, we do not have any authority at this point to offer that. We did raise this issue with our management in earlier discussions, and they were prepared to offer only the two items we have put on the table.

4. We assume that your fourth point, a timetable for developing zero discharge limits for the facilities, is a request that EPA revise the current ELGs for Cook Inlet. As we indicated in previous settlement discussions, EPA is not inclined to open up a formal process for the modification of the current ELG, since it is unlikely that, given the current state of knowledge, the ELG exception would be revised. We understood from our earlier discussions that you would be willing to consider options other than revision of the ELG. If this has changed - that is, if a timetable for zero discharge is now an absolute prerequisite to settling this litigation - please let us know so we can take this back to our management.

In the meantime, can you give us an idea of your clients' reaction to our previous thoughts on getting antidegradation implementation language into the Alaska water quality standards and to requiring an individual permit for the Trading Bay Production Facility? I understand that you cannot give us a final answer until you see the offer in writing - which we will attempt to put together in the next few days. But, it would be helpful to hear at least generally what your clients' reactions were to these proposals.

Finally, we are getting concerned about the timing of our mediation deadlines. As you know, we have a status report to the Court due on August 19th, and if we're unable to settle, a brief due on September 21 st. These dates are fast-approaching, and we would prefer not to turn our resources towards writing the brief when there is still a possibility of settlement. Given the delays in communicating with your clients and your desire not to be rushed into a decision, we should think about the scheduling on the mediation.

Dan Pinkston

----- Forwarded by Pooja Parikh/DC/USEPA/US on 05/29/2013 02:33 PM -----

From: David Allnutt/R10/USEPA/US
To: M ke Bussell/R10/USEPA/US@EPA, Michael Lidgard/R10/USEPA/US@EPA, Hanh Shaw/R10/USEPA/US@EPA, Dianne Soderlund/R10/USEPA/US@EPA, Cindi Godsey/R10/USEPA/US@EPA
Cc: Courtney Hamamoto/R10/USEPA/US@EPA, Pooja Parikh/DC/USEPA/US@EPA, Lee Schroer/DC/USEPA/US@EPA
Date: 08/10/2009 05:06 PM
Subject: Fw: Cook Inletkeeper v. EPA...

(b) (5)



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From: "Emily Anderson" <eanderson@trustees.org>
To: "Pinkston, Daniel (ENRD)" <Daniel.Pinkston@usdoj.gov>, "Vicki Clark" <vclark@trustees.org>
Cc: Courtney Hamamoto/R10/USEPA/US@EPA, Pooja Parikh/DC/USEPA/US@EPA
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Sent: Tuesday, August 04, 2009 2:32 PM
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Cc: Hamamoto.Courtney@epamail.epa.gov; Parikh.Pooja@epamail.epa.gov
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Dan Pinkston

----- Forwarded by Pooja Parikh/DC/USEPA/US on 05/29/2013 02:33 PM -----

From: Pooja Parikh/DC/USEPA/US
To: Courtney Hamamoto/R10/USEPA/US@EPA
Date: 03/26/2009 10:54 AM
Subject: Re: draft briefing paper for Sussman briefing tomorrow

no worries; i got all the info from carey johnston.

Pooja S. Parikh
U.S. Environmental Protection Agency
Office of General Counsel
Water Law Office (2355A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0839
(202) 564-5477 (fax)
parikh.pooja@epa.gov

(b) (5)



(b) (5)



--Courtney

Pooja Parikh/DC/USEPA/US

Pooja Parikh/DC/USEPA/US

To
cc

Courtney Hamamoto/R10/USEPA/US@EPA

(b) (5)



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Office of General Counsel
Water Law Office (2355A)
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Washington, D.C. 20460
(202) 564-0839
(202) 564-5477 (fax)
parikh.pooja@epa.gov

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From: Courtney Hamamoto/R10/USEPA/US
To: Lee Schroer/DC/USEPA/US@EPA
Cc: Peter Ford/DC/USEPA/US@EPA, Pooja Parikh/DC/USEPA/US@EPA, David Allnutt/R10/USEPA/US@EPA
Date: 03/25/2009 11:38 PM
Subject: Re: draft briefing paper for Sussman briefing tomorrow

Pooja:

(b) (5)

Thanks!

Courtney

[attachment "Cook Inlet Sussman Briefing (CH edits).doc" deleted by Pooja Parikh/DC/USEPA/US]

Lee Schroer/DC/USEPA/US

Lee Schroer/DC/USEPA/US

03/25/2009 03:40 PM

To
cc

Peter Ford/DC/USEPA/US@EPA
Courtney Hamamoto/R10/USEPA/US@EPA, Pooja
Parikh/DC/USEPA/US@EPA

(b) (5)

Lee C. Schroer
Office of General Counsel
U.S. Environmental Protection Agency
Room 7518C Ariel Rios North (MC2355A)
1200 Pennsylvania Ave. N.W.
Washington, D.C. 20460

schroer.lee@epa.gov

Phone: (202) 564-5476

Fax: (202) 564-5477

(b) (5)

From: Peter Ford/DC/USEPA/US
To: Pooja Parikh/DC/USEPA/US@EPA
Cc: Carey Johnston/DC/USEPA/US@EPA, Courtney Hamamoto/R10/USEPA/US@EPA, David
Hair/DC/USEPA/US@EPA, Lee Schroer/DC/USEPA/US@EPA
Date: 03/25/2009 05:31 PM
Subject: Re: draft briefing paper for Sussman briefing tomorrow

(b) (5)



Pete Ford
U.S. EPA Office of General Counsel
(202) 564-5593

Pooja Parikh---03/25/2009 04:57:22 PM---Here's a 2-pager. (tried to do a 1-pager but it just didn't fit). Please let me know if you have

From: Pooja Parikh/DC/USEPA/US
To: Lee Schroer/DC/USEPA/US@EPA, Courtney Hamamoto/R10/USEPA/US@EPA, Peter Ford/DC/USEPA/US@EPA, David Hair/DC/USEPA/US@EPA, Carey Johnston/DC/USEPA/US@EPA
Date: 03/25/2009 04:57 PM
Subject: draft briefing paper for Sussman briefing tomorrow

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U.S. Environmental Protection Agency
Office of General Counsel
Water Law Office (2355A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0839
(202) 564-5477 (fax)
parikh.pooja@epa.gov

----- Forwarded by Pooja Parikh/DC/USEPA/US on 05/29/2013 02:33 PM -----

From: Courtney Hamamoto/R10/USEPA/US
To: Lee Schroer/DC/USEPA/US@EPA, Pooja Parikh/DC/USEPA/US@EPA
Date: 02/18/2009 03:47 PM
Subject: Cook Inlet--RTC, Trustees Comment letter, etc.

(b) (5)



--Courtney

----- Forwarded by Pooja Parikh/DC/USEPA/US on 05/29/2013 02:33 PM -----

From: Pooja Parikh/DC/USEPA/US
To: Courtney Hamamoto/R10/USEPA/US@EPA
Date: 03/26/2009 08:26 AM
Subject: Re: draft briefing paper for Sussman briefing tomorrow

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Date: 03/25/2009 11:38 PM

Subject: Re: draft briefing paper for Sussman briefing tomorrow

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Thanks!

Courtney

[attachment "Cook Inlet Sussman Briefing (CH edits).doc" deleted by Pooja Parikh/DC/USEPA/US]

Lee Schroer/DC/USEPA/US

Lee Schroer/DC/USEPA/US

To
cc

Peter Ford/DC/USEPA/US@EPA
Courtney Hamamoto/R10/USEPA/US@EPA, Pooja
Parikh/DC/USEPA/US@EPA

(b) (5)



Lee C. Schroer
Office of General Counsel
U.S. Environmental Protection Agency
Room 7518C Ariel Rios North (MC2355A)
1200 Pennsylvania Ave. N.W.
Washington, D.C. 20460

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To: Pooja Parikh/DC/USEPA/US@EPA
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